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USA v. Coleman

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-2703

UNITED STATES OF AMERICA

v.

ASHLEY COLEMAN,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
D.C. Criminal No. 1:03-CR-0349-01
(Honorable Sylvia H. Rambo)

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 19, 2005

Before: ROTH, FUENTES, and BECKER, *Circuit Judges*

(Filed: April 27, 2005)

OPINION OF THE COURT

BECKER, *Circuit Judge*.

Appellant Ashley Coleman pled guilty to one count of perjury in violation of 18 U.S.C. § 1621(1). The District Court sentenced Coleman to 46 months in prison, followed by two years of supervised release. Coleman does not challenge her conviction.

Appellant challenges her sentence under *United States v. Booker*, 543 U.S. —, 125 S. Ct. 738 (2005). Having determined that the sentencing issues appellant raises are best determined by the District Court in the first instance, we will vacate the sentence and remand for resentencing in accordance with *Booker*.